

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.3894 of 2015

DATE OF DECISION: AUGUST 25, 2015

H.S. DHILLON

...PETITIONER

VERSUS

BSNL AND OTHERS

...RESPONDENT

**CORAM: HON'BLE MR. JUSTICE M. JEYAPPAUL.
HON'BLE MR. JUSTICE DARSHAN SINGH.**

1. Whether the judgement should be reported in the digest? Yes/No

PRESENT: MR. AMAN CHAUDHARY, ADVOCATE FOR THE PETITIONER.

M. JEYAPPAUL, J.

1. The writ petitioner aggrieved by the dismissal of his original application filed before the Central Administrative Tribunal, Chandigarh Bench (for short 'the Tribunal') praying for quashing the charge-sheet, the enquiry report and the penalty imposed on him by the appointing Authority, has preferred the present writ petition.

2. Heard the submissions made by learned counsel appearing for the writ petitioner.

3. The scope of judicial review of the disciplinary proceedings initiated by the appointing Authority against its employee is very limited. While exercising power of judicial review, the Court shall not appreciate the evidence as an appellate Authority. It is a well settled proposition of law that judicial review is limited to the process of making the decision and not as regards the decision taken by the Authorities. Even as regards the

quantum of punishment imposed on the delinquent, the Court should be reluctant to interfere with the wisdom of the appointing Authority. Only in a rare case where the penalty imposed on the delinquent is found grossly disproportionate to the misconduct alleged against the delinquent or the quantum of penalty imposed on the delinquent shakes the conscience of the Court, interference by the Court during the course of judicial review is warranted.

4. Learned counsel appearing for the writ petitioner drawing the attention of the Bench to the findings recorded by the Inquiry Officer had submitted that the Inquiry Officer had chosen to modify his finding.

5. On a careful perusal of the enquiry report, we find that the Inquiry Officer originally suggested that voice recorded should be scientifically analyzed before imposing penalty. But, later on, he having realized that proof beyond reasonable doubt was not required to be established, but only preponderance of evidence was required to establish the charges, slightly modified the finding. But ultimately, the Inquiry Officer found that the charges stood established. Such a modification made by the Inquiry Officer in the findings rendered by him does not call for quashing of the entire departmental proceedings initiated as against the writ petitioner.

6. In the instant case, it is found that charges were duly framed, enquiry was conducted only after giving due opportunity to the writ petitioner and the quantum of punishment also does not seem to be grossly disproportionate. Therefore, in our view, learned Tribunal has rightly

refused to interfere with the disciplinary proceedings initiated as against the writ petitioner which ultimately culminated in imposing penalty of reduction by two stages in the time scale of pay for a period of one year.

7. Writ petition stands dismissed.

**(M. JEYAPPAUL)
JUDGE**

August 25, 2015
Gulati

**(DARSHAN SINGH)
JUDGE**